BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Gabriel Valley Water Company (U337W) for Authority to Increase Rates Charged for Water Service in its Los Angeles County Division by \$11,010,200 or 29.3% in July 2005, \$1,590,100 or 3.3% in July 2006, and \$1,798,600 or 3.6% in July 2007.

Application 04-09-005 (Filed September 1, 2004)

ADMINISTRATIVE LAW JUDGE'S RULING GRANTING MOTION FOR PROTECTIVE ORDER

On October 8, 2004, applicant San Gabriel Valley Water Company (San Gabriel) filed a Motion for Protective Order in this proceeding. This ruling grants that request.

San Gabriel's motion seeks to protect the following documents provided under seal with Application (A.) 04-09-005:

- 1. San Gabriel Valley Water Company Payroll Analysis and Allocation to Los Angeles, Fontana, and General (spreadsheets marked as pages 25 through 30 of San Gabriel's workpapers); and
- 2. Final Report Security Enhancement Design, dated December 18, 2003 (marked as pages 273 through 355 of San Gabriel's workpapers).

San Gabriel describes these documents as part of its workpapers submitted in accordance with the Commission's Rate Case Plan adopted in Decision (D.) 04-06-018. San Gabriel says that it inadvertently filed all of its workpapers with A.04-09-005, including these workpapers containing confidential and

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proprietary information segregated into a separate volume, and only later became aware that it had done so. Through its motion San Gabriel now seeks to have access to them limited to the Commission staff.

According to San Gabriel, the Rate Case Plan does not require workpapers to be filed with a general rate case application, only that they be provided to the Commission staff at the time a general rate case application is filed. After reviewing the D.04-06-018 Rate Case Plan, I do not conclude in this ruling that to necessarily be the case, and grant the motion on other grounds described below.

The payroll analysis and allocation workpapers listed above include executives' and employees' names and positions, and their current and test year projected pay rates. These appear to have been used to support San Gabriel's test year payroll estimates in the general rate case.

The Security Enhancement Design Report describes security enhancements to reduce risks to San Gabriel's water supply and physical facilities and was a product of the vulnerability assessment completed in accordance with the federal Bioterrorism Act of 2002. This Report includes project descriptions and costs that likewise appear likely to have been used to support San Gabriel's projections in the general rate case. The Report also includes detailed vulnerability assessments and remedial measures that, if revealed, could be used to harm the public health and safety.

After reviewing these documents, I conclude that access to the payroll analysis and allocation workpapers should be limited to the Commission staff, and to parties in the proceeding who request them and execute an appropriate nondisclosure and protective agreement. San Gabriel should draft such an agreement for use if needed. If any party seeking access to the payroll analysis and allocations workpapers objects to the proposed form or content of that

agreement, it may bring the matter to my attention for consideration. Consistent with the Commission's usual practice, the payroll analysis and allocation workpapers will remain under seal for two years, after which they may be made public unless San Gabriel seeks to extend their protection as described below.

To protect the public health and safety, access to the Security Enhancement Design Report should be limited to the Commission staff. That protection should not expire absent further ruling or Commission order.

IT IS RULED that:

- 1. San Gabriel Valley Water Company's Motion for Protective Order filed October 8, 2004 is granted as set forth below.
- 2. The payroll analysis and allocation workpapers filed with the Application and with the Motion and described in the body of this ruling shall remain under seal for a period of two years from the date of this ruling. During that period, they shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge; provided, however, that those workpapers shall be made available to parties to this proceeding who request them and who execute an appropriate nondisclosure and protective agreement as described above.
- 3. If San Gabriel believes that protection of the payroll analysis and allocation workpapers in Ruling Paragraph 2 is needed after two years, it may file a motion stating the justification for further withholding them from public inspection, or for such other relief as the Commission rules may then provide. Any such motion shall be filed no later than 30 days before their protection expires under this ruling.

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4. The Security Enhancement Design Report workpaper filed with the Application and with the Motion and described in the body of this ruling shall remain permanently under seal shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned ALJ, or the ALJ then designated as Law and Motion Judge.

Dated October 22, 2004, at San Francisco, California.

/s/ JAMES C. MCVICAR

James C. McVicar

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion for Protective Order on all parties of record in this proceeding or their attorneys of record.

Dated October 22, 2004, at San Francisco, California.

/s/ FANNIE SID
Fannie Sid

NOTICE

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.